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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,673

12/01/2005

Morten Syslak

2005-1455A

8459

513 7590 05/26/2010

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EXAMINER

SHEVIN, MARK L

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

05/26/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/549,673	<b>Applicant(s)</b> SYSLAK ET AL.	
	<b>Examiner</b> MARK L. SHEVIN	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-16, and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgement of RCE***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14<sup>th</sup>, 2010 has been entered.

### ***Status of Claims***

2. Claims 1-16 and 18-20, filed April 14<sup>th</sup>, 2010, are currently under examination. Claim 1 was amended, claims 7-11 are withdrawn, and claims 17 and 21 are cancelled.

### ***Claim Objections***

3. **Claim 1** is objected to because of the following informalities:

“...continuous strip casting of a sheet at a predetermined solidification rate”, however "predetermined" should be deleted to aid clarity.

“...10<sup>2</sup> to 10<sup>3</sup> °C/sec ensuring material microstructure...”, the word “ensuring” should be replaced with “to produce a” to positively recite the producing of the required microstructure.

“...with optionally intermediate...”, “optionally” should be replaced with “optional”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-6, 12-16, and 18-20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The first two lines of claim 1 recite "...based on an AA3xxx alloy..." however one of ordinary skill would not be able to determine the metes and bounds of the instant claims as it is not clear whether this means that the aluminum sheet materials actually have Mn as the most prevalent alloying component (Al-Mn – 3xxx series) or that they are merely related to or possess some unidentified characteristics typical of 3xxx series alloys, regardless of whether they include Mn as the most prevalent alloying ingredient.

In view of Applicants' specification, the sole inventive example utilized an AA 3003 alloy, and the Examiner recommends that claim 1 be amended to change "based on" to "comprising" to clearly distinguish the compositions of the aluminium alloy sheets being used in the instant method.

Claims dependent upon claim 1 are likewise rejected under this statute.

***Allowable Subject Matter***

4. Claim 1-6, 12-16, and 18-20 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, 2nd paragraph and claim objections, set forth in this Office action.

**Allowable Subject Matter**

5. The following is an examiner's statement of reasons for allowance:

The closest prior art of US '497 (US 6,238,497) and Fukuda (US 6,261,706) disclose a method of producing aluminum alloy fin stock material for use in heat exchangers including continuous strip casting and cold rolling. However neither US '497 nor US '706 discloses producing an aluminium alloy sheet material having primary Fe-bearing particles of the type  $Al_6(Fe,Mn)$  and  $\alpha-AlMnFeSi$ .

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shevin whose telephone number is (571) 270-3588 and fax number is (571) 270-4588. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy M. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**/Mark L. Shevin/**  
Examiner, Art Unit 1793

May 21<sup>st</sup>, 2010  
10-549,673

**/George Wyszomierski/**  
Primary Examiner  
Art Unit 1793